

JUL 21 2008

## UNITED STATES COURT OF APPEALS

## FOR THE NINTH CIRCUIT

JUL 16 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MOLLY C. DWYER, CLERK OF COURT  
U.S. COURT OF APPEALS

ISIDRO F. DELUNA,

Petitioner - Appellant,

v.

BEN CURRY, Warden,

Respondent - Appellee.

No. 08-16610

D.C. No. 3:07-cv-02491-CRB  
Northern District of California,  
San Francisco**TIME SCHEDULE  
ORDER**

The parties shall meet the following time schedule:

**Mon., August 25, 2008** Appellant/petitioner's opening brief and excerpts of record shall be served and filed pursuant to FRAP 32 and 9th Cir. R. 32-1;

**Wed., September 24, 2008** The brief of appellee/respondent shall be filed and served, pursuant to FRAP 32 and 9th Cir. R. 32-1

**The optional appellant/petitioner reply brief shall be filed and served within fourteen days of service of the appellee/respondent's brief, pursuant to FRAP 32 and 9th Cir. R. 32-1.**

**Failure of the appellant to comply with the Time Schedule Order will result in automatic dismissal of the appeal. 9th Cir. R. 42-1**

**Appellants/Petitioners without representation of counsel in a prisoner appeal may have their case submitted on the briefs and record without oral argument, pursuant to FRAP 34(a). Within 10 days of the filing of the appellant's opening brief, parties may file a statement setting forth the reasons why, in the opinion of the parties, oral argument should be heard.**

**FOR THE COURT:**

**Molly C. Dwyer**  
**Clerk of Court**

**Gerald Rosen**  
**Deputy Clerk**